IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 10440 of 2005

Between:

1 Penmetsa Satyanarayana Raju s/o P. Appalla Raju
R/o 48-1-32/3, Srinagar Colony, Visakhapatnam.
2 Suresh Kumar Jain S/o Ghewarchand Jain
R/o 50-50-38/9, TPT Colony B.S. Lay Out Seethmmadhara,

Visakhapatnam, rep by its Power of attorney holder
Sri P. Satyanarayana Raju

..... PETITIONERS

AND

1 District Collector, Collector's Office, dd

Maharanipeta, Visakhapatnam
2 The Mandal Revenue Officer,

Chinagadili Mandal,

Near Visakha Vally School, Visakhapatnam

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the oral action dated 18th April 2005 of the 1st respondent to the 2nd respondent to evict us from the land in Sy.No. 13/1-A-1 of Gopalapatnam Village as illegal, arbitrary and contrary to the provisions of the A.P. Land Encroachment Act and set a side the same and consequently direct the respondents not to evict the petitioners from the said land without refers to due process of law and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner :Mr.V.RAVINDER RAO

Counsel for the Respondents : GP FOR REVENUE

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.10440 OF 2005

ORDER :

This writ petition is filed seeking a declaration that the alleged action of the respondents 1 and 2 in seeking to evict the petitioners from the land to an extent of 1376 sq. yards in Survey No.13/1 A1 of Gopala Patnam Village in Ward No.7, Visakhapatnam as arbitrary and illegal.

The petitioners claim to be the owners and possessors of the land having purchased the same under Registered Sale Deed dated 21-04-2003. It is stated that they were sanctioned permission by the Municipal Corporation for construction of a building on the said land. In pursuance of which, they have constructed a compound wall and have been taking steps to commence the construction of the building. In the meanwhile the respondents 1 and 2 visited the land on 18-4-2005 to verify whether the said land forms part of Sy.No.10/3B which according to them belongs to the Government. It is stated that though they have shown all the relevant title deeds to substantiate their plea that it is a patta land being part of Sy.No.13/1 A1, it is alleged that the 1st respondent is orally instructed the 2nd respondent to evict them from the land in question on an assumption that the land forms part of Sy.No.10/3B. In the circumstances, the petitioners apprehend that they will be forcibly dispossessed from the land without recourse to the procedure known to law. Hence, this writ petition.

Heard the learned Counsel for the petitioners and the learned Government Pleader for Revenue appearing for the respondents.

Even assuming that the land in question forms part of Sy.No.10/3B which is claimed to be the Government land, the petitioners cannot be dispossessed without issuing a

notice and without following the due process of law.

Accordingly, without expressing any opinion as to the ownership claimed by the petitioners as well as the nature of the land in question, the Writ Petition is disposed of with a direction to the respondents not to evict the petitioners from the land in question without following due process of law. No order as to costs.

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29th April, 2005.

Note:- Issue operative portion

By wire at Party's Costs.

(B/O)

rns

After dispatching the wire, this bundle

will be sent to Court Masters' Section immediately.

B/o

rns

To

1 District Collector, Collector's Office,

Maharanipeta, Visakhapatnam

2 The Mandal Revenue Officer,

Chinagadili Mandal,

Near Visakha Vally School, Visakhapatnam

3 Two CCs to G.P.for Revenue,

High Court Buildings, High Court of A.P.,

Hyderabad (OUT)

4 Two CD copies